IN THE CLAIMS

Please amend the claims as follows:

- 1. (original) Device for recording information on a record carrier of a writable type by writing marks in a track on a recording layer via a beam of radiation,
 - the recording layer comprising a pre-track pattern (14)
 indicating the position of the track,
 the device comprising
 - a head (22) for providing the beam,
 - recording means (20,28,29) for recording the information in the track according to a predefined recording format for constituting a recording area containing user data preceded by a lead-in zone located at the start of the recording layer and followed by a lead-out zone located at the end of the user data, and
 - lead-out means (36) for finalizing the record carrier for playback on a reading device that cannot detect the pre-track pattern, the finalizing comprising determining if data written in the recording area extends up to a predefined physical position, and, if not, recording lead-out information, and, if the data extends at least up to the predefined position, not recording any lead-out information.

- 2. (original) Device as claimed in claim 1, wherein the lead-out means (36) are arranged for said determining using as the predefined physical position a prescribed radial position prescribed in said predefined recording format, in particular the recording format being DVD and the prescribed physical position being 35,0 mm.
- 3. (original) Device as claimed in claim 1, wherein the lead-out means (36) are arranged for said determining using as the predefined physical position a minimal radial position substantially less than a prescribed radial position prescribed in said predefined recording format, in particular the recording format being DVD and the minimal position being 29,0 mm.
- 4. (currently amended) Device as claimed in claim 1, 2 or 3, wherein the lead-out means (36) are arranged for said recording lead-out information starting at the end of the user data and ending at the predefined physical position.
- 5. (original) Device as claimed in claim 1, wherein the lead-out means (36) are arranged for recording dummy information as said recording lead-out information, the dummy information being formatted as user data.

- 6. (original) Device as claimed in claim 1, wherein the lead-out means (36) are arranged for recording dummy information up to the predefined physical position, the dummy information being formatted as user data, and the recording being performed in a background mode in between recording of user data..
- 7. (original) Device as claimed in claim 1, wherein the lead-out means (36) are arranged for said determining if data written in the recording area extends up to a predefined physical position by retrieving a last written address parameter from the record carrier, which last written address parameter indicates a last sector number of a contiguously recorded part of the recording area starting from the start of the recording area.
- 8. (original) Method of recording information on a record carrier of a writable type by writing marks in a track on a recording layer via a beam of radiation,
 - the recording layer comprising a pre-track pattern (14)
 indicating the position of the track,
 the method comprising
 - recording the information in the track according to a predefined recording format for constituting a recording area

containing user data preceded by a lead-in zone located at the start of the recording layer and followed by a lead-out zone located at the end of the user data,

- finalizing the record carrier for playback on a reading device that cannot detect the pre-track pattern, the finalizing comprising determining if data written in the recording area extends up to a predefined physical position, and, if not, recording lead-out information, and, if the data extends at least up to the predefined position, not recording any lead-out information.
- 9. (original) Computer program product for recording information, which program is operative to cause a processor to perform the method as claimed in claim 8.